

## HOUSE AMENDMENTS TO HOUSE BILL 4153

By COMMITTEE ON AGRICULTURE, LAND USE, NATURAL RESOURCES, AND  
WATER

February 17

1 On page 1 of the printed bill, delete lines 6 through 30 and pages 2 through 20 and insert:

2 **“SECTION 2. (1) As used in this section:**

3 “(a)(A) ‘Agri-tourism activity’ means an activity that is conducted by a farm operation  
4 to promote the farm operation, visitors to a farm store and the sale of farm store products  
5 to the public and that may also generate commercial, entertainment or educational value.  
6 Such activities may include:

7 “(i) Farm tours;

8 “(ii) Educational exhibits or classes;

9 “(iii) Crop mazes;

10 “(iv) Play structures;

11 “(v) Farm-to-table meals;

12 “(vi) Animal petting and feeding exhibits;

13 “(vii) Hay or tractor rides; or

14 “(viii) Other seasonal or holiday events.

15 “(B) ‘Agri-tourism activity’ does not include using a farm store for lodging or as a  
16 dwelling.

17 “(b) ‘Farm-to-table meal’ means a meal offered as part of a fee-based dining experience,  
18 where food grown by a farm operation or farmers in a local agricultural area is prepared and  
19 served in a manner that educates the public about agricultural production or on-site sourc-  
20 ing.

21 “(c) ‘Farm unit’ means a farm operation comprising all parcels being farmed by a single  
22 operation, whether the operation owns or leases the parcels.

23 “(d) ‘Farm use’ means, notwithstanding ORS 215.010, only those activities listed under  
24 ORS 215.203 (2)(a) undertaken for the primary purpose of obtaining a profit.

25 “(e) ‘Local agricultural area’ means Oregon or an adjacent county in California, Idaho,  
26 Nevada or Washington that borders an Oregon county in which a farm store is located.

27 “(f) ‘Processed farm product’ means a farm product that has been transformed into a  
28 manufactured product through methods such as cooking, baking, heating, drying, mixing,  
29 grinding, churning, separating, extracting, cutting, butchering or freezing and has been  
30 packaged or canned for human or animal use.

31 “(2) A farm store may be established as a permitted use on land zoned for exclusive farm  
32 use under ORS 215.213 (1) and 215.283 (1), or on land zoned for mixed farm and forest use,  
33 if:

34 “(a) The farm store is used for the sale of farm products produced by the farm operation  
35 that operates the farm store;

1       **“(b) No more than 10,000 square feet of one or more permanently enclosed structures are**  
2       **used for the farm store uses listed in subsection (3) of this section; and**

3       **“(c) The farm store is situated on a tract of:**

4       **“(A) At least 80 acres with at least 45 acres employed for farm use;**

5       **“(B) Less than 80 acres but at least 40 acres and with at least 25 acres employed for farm**  
6       **use;**

7       **“(C) Less than 40 acres but at least 20 acres and with at least 15 acres employed for farm**  
8       **use; or**

9       **“(D) Less than 20 acres if:**

10       **“(i) At least 10 acres are employed for farm use; or**

11       **“(ii) The farm store operates as part of a farm unit that has earned at least \$10,000 in**  
12       **gross farm income cumulatively over the preceding two years.**

13       **“(3) Farm stores may be used for:**

14       **“(a) The sale of the farm products or processed farm products produced in the local ag-**  
15       **ricultural area;**

16       **“(b) The sale of other retail items, if displayed in an area not to exceed 25 percent of the**  
17       **floor area of the permanent enclosed farm store structures;**

18       **“(c) The sale of beverages and prepared food items that are cooked or otherwise made**  
19       **ready for immediate consumption; or**

20       **“(d) Agri-tourism activities.**

21       **“(4) The sale of retail items under subsection (3)(b) of this section must take place within**  
22       **a permanent enclosed structure. All other allowable farm store uses may take place outside**  
23       **or in temporary or unenclosed structures.**

24       **“(5) In conjunction with an agri-tourism activity, a farm store may use temporary**  
25       **structures or mobile vending units.**

26       **“(6) A farm store may include on-site kitchen facilities licensed by the Oregon Health**  
27       **Authority under ORS 624.010 to 624.121. Food and beverages prepared under subsection (3)(c)**  
28       **of this section may not be served in a manner that causes the kitchen facilities to function**  
29       **as a cafe or drive-through dining establishment.**

30       **“(7)(a) A local government with land use jurisdiction over the site of a farm store may**  
31       **adopt siting standards for farm stores related to:**

32       **“(A) Access, egress and parking;**

33       **“(B) Traffic management;**

34       **“(C) Noise management;**

35       **“(D) Hours of event operation; or**

36       **“(E) Sanitation and solid waste.**

37       **“(b) A county may not apply siting standards in a manner that prohibits the siting and**  
38       **operation of a farm store under this section.**

39       **“SECTION 3. ORS 215.213 is amended to read:**

40       **“215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991**  
41       **Edition), the following uses may be established in any area zoned for exclusive farm use:**

42       **“(a) Churches and cemeteries in conjunction with churches.**

43       **“(b) The propagation or harvesting of a forest product.**

44       **“(c) Utility facilities necessary for public service, not including commercial facilities for the**  
45       **purpose of generating electrical power for public use by sale or transmission towers over 200 feet**

1 in height, but including:

2       “(A) Utility facilities as provided in ORS 215.275;

3       “(B) Utility facilities that are associated transmission lines, as defined in ORS 215.274 and  
4 469.300;

5       “(C) Wetland waste treatment systems; or

6       “(D) Facilities and service lines needed to provide water or wastewater services allowed under  
7 ORS 215.256.

8       “(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of  
9 the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,  
10 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
11 operator does or will require the assistance of the relative in the management of the farm use and  
12 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
13 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
14 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
15 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
16 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
17 shall operate as a partition of the homesite to create a new parcel.

18       “(e) Nonresidential buildings customarily provided in conjunction with farm use.

19       “(f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction  
20 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as  
21 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum  
22 lot size acknowledged under ORS 197.251.

23       “(g) Operations for the exploration for and production of geothermal resources as defined by  
24 ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
25 compressors, separators and other customary production equipment for an individual well adjacent  
26 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
27 an exception under ORS 197.732 (2)(a) or (b).

28       “(h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or  
29 construction relating to such operations shall not be a basis for an exception under ORS 197.732  
30 (2)(a) or (b).

31       “(i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
32 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
33 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
34 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or dem-  
35 olished or, in the case of an existing building, the building shall be removed, demolished or returned  
36 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
37 view of the hardship claimed under this paragraph. A temporary residence approved under this  
38 paragraph is not eligible for replacement under paragraph (q) of this subsection.

39       “(j) Climbing and passing lanes within the right of way existing as of July 1, 1987.

40       “(k) Reconstruction or modification of public roads and highways, including the placement of  
41 utility facilities overhead and in the subsurface of public roads and highways along the public right  
42 of way, but not including the addition of travel lanes, where no removal or displacement of buildings  
43 would occur, or no new land parcels result.

44       “(L) Temporary public road and highway detours that will be abandoned and restored to original  
45 condition or use at such time as no longer needed.

1        "(m) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

5        "(n) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
6        been classified as historic property as described in ORS 358.487 (4).

7        "(o) Creation, restoration or enhancement of wetlands.

8        "(p) A winery, as described in ORS 215.452 or 215.453.

9        "(q) Alteration, restoration or replacement of a lawfully established dwelling, as described in  
10      ORS 215.291.

11      "(r) Farm stands if:

12        "(A) The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

18        "(B) The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

21        "(s) An armed forces reserve center, if the center is within one-half mile of a community college. For purposes of this paragraph, 'armed forces reserve center' includes an armory or National Guard support facility.

24        "(t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, 'model aircraft' means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

35        "(u) A facility for the processing of farm products as described in ORS 215.255.

36        "(v) Fire service facilities providing rural fire protection services.

37        "(w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.

40        "(x) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

43        "(A) A public right of way;

44        "(B) Land immediately adjacent to a public right of way, provided the written consent of all  
45        adjacent property owners has been obtained; or

1       “(C) The property to be served by the utility.

2       “(y) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
3 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
4 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
5 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
6 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
7 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
8 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
9 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
10 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
11 application of biosolids is authorized under the license, permit or other approval.

12       “(z) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings  
13 in existence on January 1, 2019, when:

14       “(A) The number of dogs participating in training does not exceed 10 dogs per training class and  
15 the number of training classes to be held on-site does not exceed six per day; and

16       “(B) The number of dogs participating in a testing trial does not exceed 60 and the number of  
17 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

18       “(aa) A cider business, as described in ORS 215.451.

19       “(bb) A farm brewery, as described in ORS 215.449.

20       **“(cc) A farm store, as described in section 2 of this 2026 Act.**

21       “(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
22 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
23 215.296:

24       “(a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a  
25 forest product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm  
26 operation or woodlot:

27       “(A) Consists of 20 or more acres; and

28       “(B) Is not smaller than the average farm or woodlot in the county producing at least \$2,500 in  
29 annual gross income from the crops, livestock or forest products to be raised on the farm operation  
30 or woodlot.

31       “(b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a  
32 forest product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than  
33 required under paragraph (a) of this subsection, if the lot or parcel:

34       “(A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar  
35 years out of the three calendar years before the year in which the application for the dwelling was  
36 made or is planted in perennials capable of producing upon harvest an average of at least \$20,000  
37 in annual gross farm income; or

38       “(B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross  
39 annual income.

40       “(c) Commercial activities that are in conjunction with farm use, including the processing of  
41 farm crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

42       “(d) Operations conducted for:

43       “(A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas  
44 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

45       “(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-

1 sources subject to ORS 215.298;

2       “(C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

3       “(D) Processing of other mineral resources and other subsurface resources.

4       “(e) Community centers owned by a governmental agency or a nonprofit community organization  
5 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
6 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
7 county governing body or its designee, a private campground may provide yurts for overnight  
8 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include  
9 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.  
10 Upon request of a county governing body, the Land Conservation and Development Commission may  
11 provide by rule for an increase in the number of yurts allowed on all or a portion of the  
12 campgrounds in a county if the commission determines that the increase will comply with the stan-  
13 dards described in ORS 215.296 (1). A public park or campground may be established as provided  
14 under ORS 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of cloth or can-  
15 vas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

16       “(f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.

17       “(g) Commercial utility facilities for the purpose of generating power for public use by sale. If  
18 the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation  
19 facility may be established as a commercial utility facility as provided in ORS 215.447. A renewable  
20 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

21       “(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
22 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-  
23 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
24 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
25 erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
26 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
27 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
28 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
29 ject to any applicable rules of the Oregon Department of Aviation.

30       “(i) A facility for the primary processing of forest products, provided that such facility is found  
31 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
32 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
33 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
34 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
35 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
36 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
37 contiguous land where the primary processing facility is located.

38       “(j) A site for the disposal of solid waste approved by the governing body of a city or county  
39 or both and for which a permit has been granted under ORS 459.245 by the Department of Envi-  
40 ronmental Quality together with equipment, facilities or buildings necessary for its operation.

41       “(k)(A) Commercial dog boarding kennels; or

42       “(B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of  
43 this section.

44       “(L) Residential homes as defined in ORS 197.660, in existing dwellings.

45       “(m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not

1 under the jurisdiction of the State Fish and Wildlife Commission or insect species.  
2 Insect species shall not include any species under quarantine by the State Department of Agriculture or the United  
3 States Department of Agriculture. The county shall provide notice of all applications under this  
4 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
5 county's land use regulations but shall be mailed at least 20 calendar days prior to any administrative  
6 decision or initial public hearing on the application.

7       “(n) Home occupations as provided in ORS 215.448.

8       “(o) Transmission towers over 200 feet in height.

9       “(p) Construction of additional passing and travel lanes requiring the acquisition of right of way  
10 but not resulting in the creation of new land parcels.

11       “(q) Reconstruction or modification of public roads and highways involving the removal or dis-  
12 placement of buildings but not resulting in the creation of new land parcels.

13       “(r) Improvement of public road and highway related facilities such as maintenance yards, weigh  
14 stations and rest areas, where additional property or right of way is required but not resulting in  
15 the creation of new land parcels.

16       “(s) A destination resort that is approved consistent with the requirements of any statewide  
17 planning goal relating to the siting of a destination resort.

18       “(t) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
19 dences.

20       “(u) A living history museum related to resource based activities owned and operated by a  
21 governmental agency or a local historical society, together with limited commercial activities and  
22 facilities that are directly related to the use and enjoyment of the museum and located within au-  
23 thentic buildings of the depicted historic period or the museum administration building, if areas  
24 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
25 the museum administration buildings and parking lot are located within one quarter mile of the  
26 metropolitan urban growth boundary. As used in this paragraph:

27       “(A) ‘Living history museum’ means a facility designed to depict and interpret everyday life and  
28 culture of some specific historic period using authentic buildings, tools, equipment and people to  
29 simulate past activities and events; and

30       “(B) ‘Local historical society’ means the local historical society, recognized as such by the  
31 county governing body and organized under ORS chapter 65.

32       “(v) Operations for the extraction and bottling of water.

33       “(w) An aerial fireworks display business that has been in continuous operation at its current  
34 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler’s  
35 permit to sell or provide fireworks.

36       “(x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
37 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
38 with the growing and marketing of nursery stock on the land that constitutes farm use.

39       “(y) Public or private schools for kindergarten through grade 12, including all buildings essential  
40 to the operation of a school, primarily for residents of the rural area in which the school is located.

41       “(z) Equine and equine-affiliated therapeutic and counseling activities, provided:

42       “(A) The activities are conducted in existing buildings that were lawfully constructed on the  
43 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
44 to the farm use on the tract; and

45       “(B) All individuals conducting therapeutic or counseling activities are acting within the proper

1 scope of any licenses required by the state.

2       “(aa) Child care facilities, preschool recorded programs or school-age recorded programs that  
3 are:

4       “(A) Authorized under ORS 329A.250 to 329A.450;

5       “(B) Primarily for the children of residents and workers of the rural area in which the facility  
6 or program is located; and

7       “(C) Colocated with a community center or a public or private school allowed under this sub-  
8 section.

9       “(3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
10 a single-unit residential dwelling not provided in conjunction with farm use may be established on  
11 a lot or parcel with soils predominantly in capability classes IV through VIII as determined by the  
12 Agricultural Capability Classification System in use by the United States Department of Agriculture  
13 Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval of the  
14 governing body or its designee in any area zoned for exclusive farm use upon written findings  
15 showing all of the following:

16       “(a) The dwelling or activities associated with the dwelling will not force a significant change  
17 in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm  
18 use.

19       “(b) The dwelling is situated upon generally unsuitable land for the production of farm crops  
20 and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, lo-  
21 cation and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its  
22 size or location if it can reasonably be put to farm use in conjunction with other land.

23       “(c) Complies with such other conditions as the governing body or its designee considers nec-  
24 essary.

25       “(4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
26 one single-unit dwelling, not provided in conjunction with farm use, may be established in any area  
27 zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that is not  
28 larger than three acres upon written findings showing:

29       “(a) The dwelling or activities associated with the dwelling will not force a significant change  
30 in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm  
31 use;

32       “(b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a  
33 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating  
34 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is  
35 applicable; and

36       “(c) The dwelling complies with other conditions considered necessary by the governing body  
37 or its designee.

38       “(5) Upon receipt of an application for a permit under subsection (4) of this section, the gov-  
39 erning body shall notify:

40       “(a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be  
41 established; and

42       “(b) Persons who have requested notice of such applications and who have paid a reasonable fee  
43 imposed by the county to cover the cost of such notice.

44       “(6) The notice required in subsection (5) of this section shall specify that persons have 15 days  
45 following the date of postmark of the notice to file a written objection on the grounds only that the

1 dwelling or activities associated with it would force a significant change in or significantly increase  
2 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-  
3 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-  
4 jection is received, the governing body shall set the matter for hearing in the manner prescribed in  
5 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required  
6 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of  
7 this section.

8 “(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January  
9 1, 1948, and July 1, 1983. For the purposes of this section:

10 “(a) Only one lot or parcel exists if:

11 “(A) A lot or parcel described in this section is contiguous to one or more lots or parcels de-  
12 scribed in this section; and

13 “(B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels  
14 or lots and parcels by the same person, spouses or a single partnership or business entity, separately  
15 or in tenancy in common.

16 “(b) ‘Contiguous’ means lots, parcels or lots and parcels that have a common boundary, including  
17 but not limited to, lots, parcels or lots and parcels separated only by a public road.

18 “(8) A person who sells or otherwise transfers real property in an exclusive farm use zone may  
19 retain a life estate in a dwelling on that property and in a tract of land under and around the  
20 dwelling.

21 “(9) No final approval of a nonfarm use under this section shall be given unless any additional  
22 taxes imposed upon the change in use have been paid.

23 “(10) Roads, highways and other transportation facilities and improvements not allowed under  
24 subsections (1) and (2) of this section may be established, subject to the approval of the governing  
25 body or its designee, in areas zoned for exclusive farm use subject to:

26 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-  
27 cable goal with which the facility or improvement does not comply; or

28 “(b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development  
29 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

30 “(11) The following agri-tourism and other commercial events or activities that are related to  
31 and supportive of agriculture may be established in any area zoned for exclusive farm use:

32 “(a) A county may authorize a single agri-tourism or other commercial event or activity on a  
33 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
34 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
35 or activity meets any local standards that apply and:

36 “(A) The agri-tourism or other commercial event or activity is incidental and subordinate to  
37 existing farm use on the tract;

38 “(B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
39 consecutive hours;

40 “(C) The maximum attendance at the agri-tourism or other commercial event or activity does  
41 not exceed 500 people;

42 “(D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
43 commercial event or activity does not exceed 250 vehicles;

44 “(E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

45 “(F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary

1 structures, or in existing permitted structures, subject to health and fire and life safety requirements;  
2 and

3 “(G) The agri-tourism or other commercial event or activity complies with conditions established  
4 for:

5 “(i) Planned hours of operation;

6 “(ii) Access, egress and parking;

7 “(iii) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and

8 “(iv) Sanitation and solid waste.

9 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
10 through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

11 “(A) Must be incidental and subordinate to existing farm use on the tract;

12 “(B) May not begin before 6 a.m. or end after 10 p.m.;

13 “(C) May not involve more than 100 attendees or 50 vehicles;

14 “(D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

15 “(E) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;

16 “(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and

17 “(G) Must comply with applicable health and fire and life safety requirements.

18 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

19 “(A) Must be incidental and subordinate to existing farm use on the tract;

20 “(B) May not, individually, exceed a duration of 72 consecutive hours;

21 “(C) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

22 “(D) Must comply with ORS 215.296;

23 “(E) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

24 “(F) Must comply with conditions established for:

25 “(i) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

26 “(ii) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

27 “(iii) The location of access and egress and parking facilities to be used in connection with the

1 agri-tourism or other commercial events or activities;

2       “(iv) Traffic management, including the projected number of vehicles and any anticipated use  
3 of public roads; and

4       “(v) Sanitation and solid waste.

5       “(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
6 or other commercial events or activities that occur more frequently or for a longer period or that  
7 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
8 commercial events or activities comply with any local standards that apply and the agri-tourism or  
9 other commercial events or activities:

10      “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-  
11 essary to support the commercial farm uses or the commercial agricultural enterprises in the area;

12      “(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

13      “(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
14 and

15      “(D) Do not exceed 18 events or activities in a calendar year.

16      “(12) A holder of a permit authorized by a county under subsection (11)(d) of this section must  
17 request review of the permit at four-year intervals. Upon receipt of a request for review, the county  
18 shall:

19      “(a) Provide public notice and an opportunity for public comment as part of the review process;  
20 and

21      “(b) Limit its review to events and activities authorized by the permit, conformance with con-  
22 ditions of approval required by the permit and the standards established by subsection (11)(d) of this  
23 section.

24      “(13) For the purposes of subsection (11) of this section:

25      “(a) A county may authorize the use of temporary structures established in connection with the  
26 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-  
27 tion. However, the temporary structures must be removed at the end of the agri-tourism or other  
28 event or activity. The county may not approve an alteration to the land in connection with an  
29 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,  
30 including, but not limited to, grading, filling or paving.

31      “(b) The county may issue the limited use permits authorized by subsection (11)(c) of this section  
32 for two calendar years. When considering an application for renewal, the county shall ensure com-  
33 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and  
34 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
35 authorized by the permit.

36      “(c) The authorizations provided by subsection (11) of this section are in addition to other au-  
37 thorizations that may be provided by law, except that ‘outdoor mass gathering’ and ‘other  
38 gathering,’ as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other  
39 commercial events and activities.

40      “**SECTION 4.** ORS 215.283 is amended to read:

41      “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

42       “(a) Churches and cemeteries in conjunction with churches.

43       “(b) The propagation or harvesting of a forest product.

44       “(c) Utility facilities necessary for public service, not including commercial facilities for the  
45 purpose of generating electrical power for public use by sale or transmission towers over 200 feet

1 in height, but including:

2       “(A) Utility facilities as provided in ORS 215.275;

3       “(B) Utility facilities that are associated transmission lines, as defined in ORS 215.274 and  
4 469.300;

5       “(C) Wetland waste treatment systems; or

6       “(D) Facilities and service lines needed to provide water or wastewater services allowed under  
7 ORS 215.256.

8       “(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of  
9 the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,  
10 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
11 operator does or will require the assistance of the relative in the management of the farm use and  
12 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
13 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
14 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
15 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
16 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
17 shall operate as a partition of the homesite to create a new parcel.

18       “(e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily  
19 provided in conjunction with farm use.

20       “(f) Operations for the exploration for and production of geothermal resources as defined by  
21 ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
22 compressors, separators and other customary production equipment for an individual well adjacent  
23 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
24 an exception under ORS 197.732 (2)(a) or (b).

25       “(g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or  
26 construction relating to such operations shall not be a basis for an exception under ORS 197.732  
27 (2)(a) or (b).

28       “(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

29       “(i) Reconstruction or modification of public roads and highways, including the placement of  
30 utility facilities overhead and in the subsurface of public roads and highways along the public right  
31 of way, but not including the addition of travel lanes, where no removal or displacement of buildings  
32 would occur, or no new land parcels result.

33       “(j) Temporary public road and highway detours that will be abandoned and restored to original  
34 condition or use at such time as no longer needed.

35       “(k) Minor betterment of existing public road and highway related facilities such as maintenance  
36 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
37 public-owned property utilized to support the operation and maintenance of public roads and high-  
38 ways.

39       “(L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
40 been classified as historic property as described in ORS 358.487 (4).

41       “(m) Creation, restoration or enhancement of wetlands.

42       “(n) A winery, as described in ORS 215.452 or 215.453.

43       “(o) Farm stands if:

44       “(A) The structures are designed and used for the sale of farm crops or livestock grown on the  
45 farm operation, or grown on the farm operation and other farm operations in the local agricultural

1 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
2 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
3 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
4 and

5 “(B) The farm stand does not include structures designed for occupancy as a residence or for  
6 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
7 public gatherings or public entertainment.

8 “(p) Alteration, restoration or replacement of a lawfully established dwelling, as described in  
9 ORS 215.291.

10 “(q) A site for the takeoff and landing of model aircraft, including such buildings or facilities  
11 as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in  
12 floor area or placed on a permanent foundation unless the building or facility preexisted the use  
13 approved under this paragraph. The site shall not include an aggregate surface or hard surface area  
14 unless the surface preexisted the use approved under this paragraph. An owner of property used for  
15 the purpose authorized in this paragraph may charge a person operating the use on the property  
16 rent for the property. An operator may charge users of the property a fee that does not exceed the  
17 operator’s cost to maintain the property, buildings and facilities. As used in this paragraph, ‘model  
18 aircraft’ means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
19 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
20 ground.

21 “(r) A facility for the processing of farm products as described in ORS 215.255.

22 “(s) Fire service facilities providing rural fire protection services.

23 “(t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational  
24 facilities, not including parks or other recreational structures and facilities, associated with a dis-  
25 trict as defined in ORS 540.505.

26 “(u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
27 cilities or structures that end at the point where the utility service is received by the customer and  
28 that are located on one or more of the following:

29 “(A) A public right of way;

30 “(B) Land immediately adjacent to a public right of way, provided the written consent of all  
31 adjacent property owners has been obtained; or

32 “(C) The property to be served by the utility.

33 “(v) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
34 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
35 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
36 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
37 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
38 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
39 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
40 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
41 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
42 application of biosolids is authorized under the license, permit or other approval.

43 “(w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to  
44 provide rural law enforcement services primarily in rural areas, including parole and post-prison  
45 supervision, but not including a correctional facility as defined under ORS 162.135.

1       “(x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting  
2 farm buildings, when:

3       “(A) The number of dogs participating in training does not exceed 10 dogs per training class and  
4 the number of training classes to be held on-site does not exceed six per day; and

5       “(B) The number of dogs participating in a testing trial does not exceed 60 and the number of  
6 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

7       “(y) A cider business, as described in ORS 215.451.

8       “(z) A farm brewery, as described in ORS 215.449.

9       **“(aa) A farm store, as described in section 2 of this 2026 Act.**

10      (2) The following nonfarm uses may be established, subject to the approval of the governing body  
11 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

12      “(a) Commercial activities that are in conjunction with farm use, including the processing of  
13 farm crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

14      “(b) Operations conducted for:

15      “(A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas  
16 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

17      “(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-  
18 sources subject to ORS 215.298;

19      “(C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

20      “(D) Processing of other mineral resources and other subsurface resources.

21      “(c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the  
22 approval of the county governing body or its designee, a private campground may provide yurts for  
23 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,  
24 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent  
25 foundation. Upon request of a county governing body, the Land Conservation and Development  
26 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion  
27 of the campgrounds in a county if the commission determines that the increase will comply with the  
28 standards described in ORS 215.296 (1). As used in this paragraph, ‘yurt’ means a round, domed  
29 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or  
30 internal cooking appliance.

31      “(d) Parks and playgrounds. A public park may be established consistent with the provisions of  
32 ORS 195.120.

33      “(e) Community centers owned by a governmental agency or a nonprofit community organization  
34 and operated primarily by and for residents of the local rural community. A community center au-  
35 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
36 gency and transitional shelter, preparation and service of meals, vocational and educational  
37 counseling and referral to local, state or federal agencies providing medical, mental health, disability  
38 income replacement and substance abuse services, only in a facility that is in existence on January  
39 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
40 replacement or substance abuse services.

41      “(f) Golf courses on land:

42      “(A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

43      “(B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

44      “(i) Is not otherwise described in ORS 195.300 (10);

45      “(ii) Is surrounded on all sides by an approved golf course; and

1       “(iii) Is west of U.S. Highway 101.

2       “(g) Commercial utility facilities for the purpose of generating power for public use by sale. If  
3       the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation  
4       facility may be established as a commercial utility facility as provided in ORS 215.447. A renewable  
5       energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

6       “(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
7       tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-  
8       stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
9       basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
10       erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
11       by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
12       granted through waiver action by the Oregon Department of Aviation in specific instances. A  
13       personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
14       ject to any applicable rules of the Oregon Department of Aviation.

15       “(i) Home occupations as provided in ORS 215.448.

16       “(j) A facility for the primary processing of forest products, provided that such facility is found  
17       to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
18       scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
19       renewable. These facilities are intended to be only portable or temporary in nature. The primary  
20       processing of a forest product, as used in this section, means the use of a portable chipper or stud  
21       mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
22       to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
23       contiguous land where the primary processing facility is located.

24       “(k) A site for the disposal of solid waste approved by the governing body of a city or county  
25       or both and for which a permit has been granted under ORS 459.245 by the Department of Envi-  
26       ronmental Quality together with equipment, facilities or buildings necessary for its operation.

27       “(L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
28       existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
29       hardship suffered by the existing resident or a relative of the resident. Within three months of the  
30       end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demoli-  
31       shed or, in the case of an existing building, the building shall be removed, demolished or returned  
32       to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
33       view of the hardship claimed under this paragraph. A temporary residence approved under this  
34       paragraph is not eligible for replacement under subsection (1)(p) of this section.

35       “(m) Transmission towers over 200 feet in height.

36       “(n)(A) Commercial dog boarding kennels; or

37       “(B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of  
38       this section.

39       “(o) Residential homes as defined in ORS 197.660, in existing dwellings.

40       “(p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
41       under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
42       shall not include any species under quarantine by the State Department of Agriculture or the United  
43       States Department of Agriculture. The county shall provide notice of all applications under this  
44       paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
45       county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-

1 tive decision or initial public hearing on the application.

2 “(q) Construction of additional passing and travel lanes requiring the acquisition of right of way  
3 but not resulting in the creation of new land parcels.

4 “(r) Reconstruction or modification of public roads and highways involving the removal or dis-  
5 placement of buildings but not resulting in the creation of new land parcels.

6 “(s) Improvement of public road and highway related facilities, such as maintenance yards,  
7 weigh stations and rest areas, where additional property or right of way is required but not result-  
8 ing in the creation of new land parcels.

9 “(t) A destination resort that is approved consistent with the requirements of any statewide  
10 planning goal relating to the siting of a destination resort.

11 “(u) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
12 dences.

13 “(v) Operations for the extraction and bottling of water.

14 “(w) Expansion of existing county fairgrounds and activities directly relating to county  
15 fairgrounds governed by county fair boards established pursuant to ORS 565.210.

16 “(x) A living history museum related to resource based activities owned and operated by a  
17 governmental agency or a local historical society, together with limited commercial activities and  
18 facilities that are directly related to the use and enjoyment of the museum and located within au-  
19 thentic buildings of the depicted historic period or the museum administration building, if areas  
20 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
21 the museum administration buildings and parking lot are located within one quarter mile of an ur-  
22 ban growth boundary. As used in this paragraph:

23 “(A) ‘Living history museum’ means a facility designed to depict and interpret everyday life and  
24 culture of some specific historic period using authentic buildings, tools, equipment and people to  
25 simulate past activities and events; and

26 “(B) ‘Local historical society’ means the local historical society recognized by the county gov-  
27 erning body and organized under ORS chapter 65.

28 “(y) An aerial fireworks display business that has been in continuous operation at its current  
29 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler’s  
30 permit to sell or provide fireworks.

31 “(z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
32 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
33 with the growing and marketing of nursery stock on the land that constitutes farm use.

34 “(aa) Public or private schools for kindergarten through grade 12, including all buildings es-  
35 sential to the operation of a school, primarily for residents of the rural area in which the school is  
36 located.

37 “(bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

38 “(A) The activities are conducted in existing buildings that were lawfully constructed on the  
39 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
40 to the farm use on the tract; and

41 “(B) All individuals conducting therapeutic or counseling activities are acting within the proper  
42 scope of any licenses required by the state.

43 “(cc) Guest ranches in eastern Oregon, as described in ORS 215.461.

44 “(dd) Child care facilities, preschool recorded programs or school-age recorded programs that  
45 are:

1       “(A) Authorized under ORS 329A.250 to 329A.450;

2       “(B) Primarily for the children of residents and workers of the rural area in which the facility

3       or program is located; and

4       “(C) Colocated with a community center or a public or private school allowed under this sub-

5       section.

6       “(3) Roads, highways and other transportation facilities and improvements not allowed under

7       subsections (1) and (2) of this section may be established, subject to the approval of the governing

8       body or its designee, in areas zoned for exclusive farm use subject to:

9       “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-

10       cable goal with which the facility or improvement does not comply; or

11       “(b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development

12       Commission as provided in section 3, chapter 529, Oregon Laws 1993.

13       “(4) The following agri-tourism and other commercial events or activities that are related to and

14       supportive of agriculture may be established in any area zoned for exclusive farm use:

15       “(a) A county may authorize a single agri-tourism or other commercial event or activity on a

16       tract in a calendar year by an authorization that is personal to the applicant and is not transferred

17       by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event

18       or activity meets any local standards that apply and:

19       “(A) The agri-tourism or other commercial event or activity is incidental and subordinate to

20       existing farm use on the tract;

21       “(B) The duration of the agri-tourism or other commercial event or activity does not exceed 72

22       consecutive hours;

23       “(C) The maximum attendance at the agri-tourism or other commercial event or activity does

24       not exceed 500 people;

25       “(D) The maximum number of motor vehicles parked at the site of the agri-tourism or other

26       commercial event or activity does not exceed 250 vehicles;

27       “(E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

28       “(F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary

29       structures, or in existing permitted structures, subject to health and fire and life safety require-

30       ments; and

31       “(G) The agri-tourism or other commercial event or activity complies with conditions established

32       for:

33        “(i) Planned hours of operation;

34        “(ii) Access, egress and parking;

35        “(iii) A traffic management plan that identifies the projected number of vehicles and any antic-

36        ipated use of public roads; and

37        “(iv) Sanitation and solid waste.

38       “(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,

39       through an expedited, single-event license, a single agri-tourism or other commercial event or ac-

40       tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-

41       plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision

42       concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.

43       To approve an expedited, single-event license, the governing body of a county or its designee must

44       determine that the proposed agri-tourism or other commercial event or activity meets any local

45       standards that apply, and the agri-tourism or other commercial event or activity:

1       “(A) Must be incidental and subordinate to existing farm use on the tract;  
2       “(B) May not begin before 6 a.m. or end after 10 p.m.;  
3       “(C) May not involve more than 100 attendees or 50 vehicles;  
4       “(D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;  
5       “(E) May not require or involve the construction or use of a new permanent structure in con-  
6 nection with the agri-tourism or other commercial event or activity;  
7       “(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
8 properties consent, in writing, to the location; and  
9       “(G) Must comply with applicable health and fire and life safety requirements.

10      “(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up  
11 to six agri-tourism or other commercial events or activities on a tract in a calendar year by a lim-  
12 ited use permit that is personal to the applicant and is not transferred by, or transferable with, a  
13 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
14 local standards that apply, and the agri-tourism or other commercial events or activities:  
15       “(A) Must be incidental and subordinate to existing farm use on the tract;  
16       “(B) May not, individually, exceed a duration of 72 consecutive hours;  
17       “(C) May not require that a new permanent structure be built, used or occupied in connection  
18 with the agri-tourism or other commercial events or activities;  
19       “(D) Must comply with ORS 215.296;  
20       “(E) May not, in combination with other agri-tourism or other commercial events or activities  
21 authorized in the area, materially alter the stability of the land use pattern in the area; and  
22       “(F) Must comply with conditions established for:  
23           “(i) The types of agri-tourism or other commercial events or activities that are authorized during  
24 each calendar year, including the number and duration of the agri-tourism or other commercial  
25 events and activities, the anticipated daily attendance and the hours of operation;  
26           “(ii) The location of existing structures and the location of proposed temporary structures to  
27 be used in connection with the agri-tourism or other commercial events or activities;  
28           “(iii) The location of access and egress and parking facilities to be used in connection with the  
29 agri-tourism or other commercial events or activities;  
30           “(iv) Traffic management, including the projected number of vehicles and any anticipated use  
31 of public roads; and  
32           “(v) Sanitation and solid waste.  
33       “(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
34 or other commercial events or activities that occur more frequently or for a longer period or that  
35 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
36 commercial events or activities comply with any local standards that apply and the agri-tourism or  
37 other commercial events or activities:  
38       “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-  
39 essary to support the commercial farm uses or the commercial agricultural enterprises in the area;  
40       “(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;  
41       “(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
42 and  
43       “(D) Do not exceed 18 events or activities in a calendar year.  
44       “(5) A holder of a permit authorized by a county under subsection (4)(d) of this section must  
45 request review of the permit at four-year intervals. Upon receipt of a request for review, the county

1 shall:

2       “(a) Provide public notice and an opportunity for public comment as part of the review process;

3 and

4       “(b) Limit its review to events and activities authorized by the permit, conformance with con-

5 ditions of approval required by the permit and the standards established by subsection (4)(d) of this

6 section.

7       “(6) For the purposes of subsection (4) of this section:

8       “(a) A county may authorize the use of temporary structures established in connection with the

9 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.

10 However, the temporary structures must be removed at the end of the agri-tourism or other event

11 or activity. The county may not approve an alteration to the land in connection with an agri-tourism

12 or other commercial event or activity authorized under subsection (4) of this section, including, but

13 not limited to, grading, filling or paving.

14       “(b) The county may issue the limited use permits authorized by subsection (4)(c) of this section

15 for two calendar years. When considering an application for renewal, the county shall ensure com-

16 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and

17 conditions that apply to the permit or to the agri-tourism or other commercial events or activities

18 authorized by the permit.

19       “(c) The authorizations provided by subsection (4) of this section are in addition to other au-

20 thorizations that may be provided by law, except that ‘outdoor mass gathering’ and ‘other

21 gathering,’ as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other

22 commercial events and activities.

23       **“SECTION 5.** ORS 475A.570 is amended to read:

24       “475A.570. [*Psilocybin-producing fungi as crop; exceptions to permitted uses.*] (1) Psilocybin-

25 producing fungi is:

26       “(a) A crop for the purposes of farm use as defined in ORS 215.203;

27       “(b) A crop for purposes of a farm and farming practice, both as defined in ORS 30.930;

28       “(c) A product of farm use as described in ORS 308A.062; and

29       “(d) The product of an agricultural activity for purposes of ORS 568.909.

30       “(2) Notwithstanding ORS chapters 195, 196, 197, 197A, 215 and 227, the following are not per-

31 mitted uses on land designated for exclusive farm use:

32       “(a) A new dwelling used in conjunction with a psilocybin-producing fungi crop;

33       “(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with

34 a psilocybin-producing fungi crop; [*and*]

35       **“(c) A farm store, as described in section 2 of this 2026 Act, used in conjunction with a**

36 **psilocybin-producing fungi crop; and**

37       “[(c)] (d) Subject to subsection (3) of this section, a commercial activity, as described in ORS

38 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a psilocybin-producing fungi crop.

39       “(3) The operation of a psilocybin service center may be carried on in conjunction with a

40 psilocybin-producing fungi crop.

41       “(4) A county may allow the manufacture of psilocybin products as a farm use on land zoned for

42 farm or forest use in the same manner as the manufacture of psilocybin products is allowed in ex-

43 clusive farm use zones under this section and ORS 215.213, 215.283 and 475C.053.

44       “(5) This section applies to psilocybin product manufacturers that hold a license under ORS

45 475A.290.

1       **SECTION 6.** ORS 475C.489 is amended to read:

2       “475C.489. (1) Marijuana is:

3       “(a) A crop for the purposes of ‘farm use’ as defined in ORS 215.203;

4       “(b) A crop for purposes of a ‘farm’ and ‘farming practice,’ both as defined in ORS 30.930;

5       “(c) A product of farm use as described in ORS 308A.062; and

6       “(d) The product of an agricultural activity for purposes of ORS 568.909.

7       “(2) Notwithstanding ORS chapters 195, 196, 197, 197A, 215 and 227, the following are not per-  
8 mitted uses on land designated for exclusive farm use:

9       “(a) A new dwelling used in conjunction with a marijuana crop;

10       “(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with  
11 a marijuana crop; *[and]*

12       **“(c) A farm store, as described in section 2 of this 2026 Act, used in conjunction with a  
13 marijuana crop; and**

14       “*[(c)] (d)* A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on  
15 in conjunction with a marijuana crop.

16       “(3) A county may allow the production of marijuana as a farm use on land zoned for farm or  
17 forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones  
18 under this section and ORS 215.213, 215.283 and 475C.053.

19       “(4) This section applies to:

20       “(a) Marijuana producers that hold a license issued under ORS 475C.065;

21       “(b) Persons registered under ORS 475C.792 and designated to produce marijuana by one or  
22 more persons who hold valid registry identification cards issued under ORS 475C.783; and

23       “(c) For the purpose of producing marijuana or propagating immature marijuana plants, re-  
24 searchers of cannabis that hold a certificate issued under ORS 475C.289.”.

25       —————